

ID. date	Date of interview 11/02/20
ID. start	Time interview started 09:48:32
ID.end Date	Completion date of interview 11/02/20
ID.end	Time interview ended 09:50:32
ID. time	Duration of interview 2.00

new case

# ICO consultation on the draft right of access guidance

Q1 Does the draft guidance cover the relevant issues about the right of access?

☐ Yes

☒ No

☐ Unsure / don't know

If no or unsure/don't know, what other issues would you like to be covered in it?

This may not be the correct guidance in which to include the following, however, more ICO guidance on the following is required. 1. More information and guidance on joint controllers in general is required: • how to identify whether you are a joint controller; • how to be transparent about joint controller responsibilities – is it recommended that a written joint controller agreement is entered into and made available to data subjects? Can this just be an informal agreement between joint controllers?; • what action to take if another joint controller will not enter into an agreement with you 2. If a public authority, whose statutory function and duty is to administer a statutory process, identifies conduct that would allow the exemption under Schedule 2, part 2, para 7 (functions designed to protect the public) to be applied, can that public authority proactively use that exemption to share the information with another public authority to reduce the risk to the public? i.e.: • public authority A is administering a data subjects case, the process is based in civil law • data subject provides public authority A with personal data about themselves, about their partner and about their household finances • A identifies from this information that either the data subject or the partner is potentially committing fraud against public authority B • B is not aware of this Can A proactively apply this exemption to the personal data held on the data subject and their partner and share this information with B? 3. There is no guidance to assist organisations who process personal data in order to carry out statutory civil law functions. More guidance in general on how DPA affects data being processed for civil law purposes is required.

Q2 Does the draft guidance contain the right level of detail?

☒ Yes

☐ No

☐ Unsure / don't know

If no or unsure/don't know, in what areas should there be more detail within the draft guidance?

Q3 Does the draft guidance contain enough examples?

☐ Yes

☒ No

☐ Unsure / don't know

If no or unsure/don't know, please provide any examples that think should be included in the draft guidance.

• Joint controller examples • Civil law examples

Q4 We have found that data protection professionals often struggle with applying and defining 'manifestly unfounded or excessive' subject access requests. We would like to include a wide range of examples from a variety of sectors to help you. Please provide some examples of manifestly unfounded and excessive requests below (if applicable).

n/a

Q5 On a scale of 1-5 how useful is the draft guidance?

1 - Not at all useful	2 – Slightly useful	3 – Moderately useful	4 – Very useful	5 – Extremely useful
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Q6 Why have you given this score?

Complex areas of legislation have been put into plain English. The most common issues are included in the guidance, and the content can be used to support organisations decisions about whether to release or withhold personal data. This guidance is long overdue.

Q7 To what extent do you agree that the draft guidance is clear and easy to understand?

Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Q8 Please provide any further comments or suggestions you may have about the draft guidance.

Q9 Are you answering as:

- ☐ An individual acting in a private capacity (eg someone providing their views as a member of the public)
- ☐ An individual acting in a professional capacity
- ☒ On behalf of an organisation
- ☐ Other

Please specify the name of your organisation:

Accountant in Bankruptcy

What sector are you from:

Scottish Government

Q10 How did you find out about this survey?

- ☐ ICO Twitter account
- ☐ ICO Facebook account
- ☐ ICO LinkedIn account
- ☒ ICO website
- ☐ ICO newsletter
- ☐ ICO staff member
- ☐ Colleague
- ☐ Personal/work Twitter account
- ☐ Personal/work Facebook account
- ☐ Personal/work LinkedIn account
- ☐ Other

If other please specify: